



The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Deval L. Patrick
GOVERNOR

Timothy P. Murray
LIEUTENANT GOVERNOR

Ian A. Bowles
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181
<http://www.mass.gov/envir>

March 22, 2007

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Bass Creek Salt Marsh Restoration
PROJECT MUNICIPALITY : Yarmouth
PROJECT WATERSHED : Cape Cod
EOEA NUMBER : 13982
PROJECT PROPONENT : Town of Yarmouth
DATE NOTICED IN MONITOR : **February 20, 2007**

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **does not require** the preparation of an Environmental Impact Report.

As described in the Environmental Notification Form (ENF), the Town of Yarmouth proposes to replace an existing undersized four-foot diameter metal culvert with a permanent 35-foot by four-foot timber footbridge across Bass Creek in Yarmouth. The project has been designed to eliminate an existing tidal restriction that will improve the tidal reach to an upstream 35-acre tidal marsh. The culvert replacement will also improve fish access to this upper marsh area. Construction access will be provided to the project site from Center Street and Alms House Road in Yarmouth. A temporary construction staging area has been located north of the Bass Creek project site.

The project is undergoing review pursuant to section 11.03 (3)(b)(1) (a) of the MEPA regulations, because the project requires state permitting and results in the alteration of a coastal dune, barrier beach or coastal bank. The project will require a Chapter 91 License from the Department of Environmental Protection (MassDEP), and an Order of Conditions from the Yarmouth Conservation Commission (and hence a Superseding Order of Conditions from MassDEP if the local Order is appealed).

The project will also require a 404 Programmatic General Permit from the U.S. Army Corps of Engineers, and a 401 Water Quality Certification from MassDEP if the volume of fill material to be removed from the project site exceeds 100 cubic yards. The project may require a Consistency Review by the Office of Coastal Zone Management (CZM).

I note that according to the Natural Heritage and Endangered Species Program (NHESP), the tidal flow to the Bass Creek Salt Marsh was altered and disrupted due to the past installation of an undersized culvert, which resulted in the reduction of tidal flows and the proliferation of invasive plant species to the upstream salt marsh area. The project site contains Priority and Estimated Habitat for the Eastern Box Turtle (*Terrapene Carolina*), Roseate Tern (*Sterna dougallii*), Common Tern (*Sterna hirundo*), and the Least Tern (*Sterna antillarum*). As currently designed, the project may benefit these state-listed species. The Town of Yarmouth has worked closely with the CZM Wetlands Restoration Program to design the proposed project to restore the degraded salt marsh and tidal scrub swamp within the Bass Creek Estuary, which has been identified by the Wetlands Restoration Program as a Priority Site for Restoration.

The proponent can resolve any remaining issues regarding the technical specifications of the footbridge and temporary construction impacts with MassDEP and the Yarmouth Conservation Commission. The review of the ENF has served to demonstrate that the impacts of the project do not warrant the preparation of an EIR. I conclude that no further MEPA review is required.

March 22, 2007
DATE



Ian A. Bowles, Secretary

Comments received:

03/07/07	Natural Heritage and Endangered Species Program (NHESP)
03/07/07	MA Division of Marine Fisheries
03/09/07	MA Department of Environmental Protection (MassDEP) - SERO
03/09/07	MA Office of Coastal Zone Management (CZM)
03/09/07	United States Environmental Protection Agency (USEPA)

EOEA# 13982
IAB/NCZ/ncz